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5 Attorneys for Intervener

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES
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11 CHURCH OF SCIENTOLOGY OF)
12 CALIFORNIA,)

13 Plaintiff,)

14 v.)

15 GERALD ARMSTRONG, DOES 1)
16 through 10, inclusive,)

17 Defendants,)

18 MARY SUE HUBBARD,)

19 Intervener.)
20

No. C420153

COMPLAINT IN INTERVENTION
FOR CONVERSION [CCSS 3336,
3337], BREACH OF FIDUCIARY
RELATIONSHIP, INVASION OF
PRIVACY, POSSESSION OF
PERSONAL PROPERTY [CC SS3379,
3380], IMPRESSION OF A
CONSTRUCTIVE TRUST, AND
DECLARATORY AND INJUNCTIVE
RELIEF [CCP 1060].

21 Intervener, Mary Sue Hubbard, as a complaint for
22 conversion, breach of fiduciary relationship, invasion of
23 privacy, possession of personal property, impression of a
24 constructive trust, and declaratory and injunctive relief,
25 alleges as follows:
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I

FIRST CAUSE OF ACTION

(Conversion)

[CC §3336]

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1. On November , 1982, the court granted intervener leave to intervene in this action and to file this complaint in intervention.

2. Intervener is, and at all times herein mentioned was, a resident of Los Angeles, California.

3. Intervener intervenes in this action on the ground that intervener has a substantial interest in the matter in litigation in this action in that:

a. Substantially all of the materials that have been converted by defendant are the personal possessions of intervener and/or her husband L. Ron Hubbard.

b. Intervener placed these personal possessions in the custody of the Church of Scientology of California for safekeeping with no intention that defendant would be permitted access to these materials or to take these materials into his custody.

c. Intervener has the right to take immediate possession of these materials.

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2 d. Intervener's interest would be directly
3 affected by the result of this action, as hereinafter set
4 forth more particularly.

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6 4. On August 2, 1982, plaintiff commenced this action
7 against defendant for conversion, breach of fiduciary duty,
8 impression of a constructive trust and declaratory and
9 injunctive relief. The action is now pending in this court
10 and trial thereof has not been had.

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12 5. Defendant GERALD ARMSTRONG (hereafter, "Defendant
13 Armstrong" or "Armstrong") is currently a resident of Orange
14 County, California, and at various times herein mentioned has
15 been a resident of Los Angeles and Riverside Counties.

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17 6. Plaintiff Church of Scientology of California
18 (hereafter "Plaintiff" or "CSC"), is a not for profit
19 corporation organized and existing under the laws of the
20 State of California. It is a religious organization and one
21 of the worldwide Churches of Scientology. Its principal
22 place of business is 4833 Fountain Ave., Los Angeles,
23 California, located within the Central District of this
24 Court.

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26 7. Intervener is presently unaware of the true names
27 and capacities of Defendants sued herein as DOES 1 through
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10, inclusive, and therefore sues these Defendants by such
2 fictitious names. Intervener will seek leave to amend this
3 complaint to allege the true names and capacities of said
4 "DOE" Defendants when the same are ascertained.
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7 8. Between approximately 1968 or 1969 and the present,
8 intervener placed in the custody of the Church of Scientology
9 for safekeeping certain items of personal property belonging
10 to her and to her husband L. Ron Hubbard, including docu-
11 ments, letters, manuscripts, memoranda, drafts, notes,
12 memorabilia, artifacts, photographs, video and audio
13 recordings. These materials were to be securely maintained,
14 and access thereto required the approval of intervener, or of
15 L. Ron Hubbard.
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17 9. At all times herein mentioned, Intervener was, and
18 still is, the owner and was, and still is, entitled to the
19 possession of certain the items of personal property,
20 described above.
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22 10. At all times herein mentioned, Intervener was, and
23 still is, the personal representative of her husband L. Ron
24 Hubbard with respect to his personal property, and was, and
25 still is, by virtue of her position as personal representa-
26 tive, entitled to the possession of the personal property
27 described above which is owned by L. Ron Hubbard.
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1 11. From approximately February, 1971 until
2 approximately December, 1981, defendant was a member of the
3 Church of Scientology. At all times pertinent to this action
4 he was a staff member of the Church of Scientology.
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6 12. Commencing in January 1980 and continuing thereafter
7 through December, 1981, defendant Armstrong was responsible
8 for a project which involved collecting, cataloguing,
9 preserving, and otherwise maintaining information, artifacts
10 and memorabilia concerning the religion of Scientology, its
11 various organizations including plaintiff CSC, and the
12 founder of the religion of Scientology, L. Ron Hubbard. As a
13 part of his responsibilities, defendant Armstrong was to
14 locate any documents, information or artifacts pertaining to
15 the early history of Dianetics and Scientology and concerning
16 Mr. Hubbard. This area of activity by defendant Armstrong
17 was known as the "Archives Project" and is so referred to
18 herein. The Archives Project, at all times pertinent to this
19 action, was located at 4833 Fountain Ave., plaintiff's prin-
20 cipal place of business. All materials contained in the
21 Archives project are the personal property either of
22 plaintiff CSC or intervener and/or her husband L. Ron
23 Hubbard.
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25 13. From approximately January, 1980, through
26 approximately December, 1981, in his capacity as a Church of
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Scientology staff member, defendant Armstrong gained access to the above-described personal property of intervener and L. Ron Hubbard. Intervener did not know of nor give permission for defendant Armstrong to gain access to the above-described personal property, nor did L. Ron Hubbard.

14. During 1982, defendant Armstrong took the above-mentioned property from the possession of plaintiff Church of Scientology of California and, without authorization from either plaintiff or Intervener, converted the same to his own use.

15. On or about January 1, 1982, at Los Angeles, California, the above mentioned property had a value to be proved at time of trial.

16. On or about May 26, 27 and June 21, 1982, plaintiff Church of Scientology of California demanded the immediate return of the above-mentioned property but defendant failed and refused, and continues to fail and refuse, to return the property to plaintiff.

17. As a proximate result of defendant's conversion, intervener has suffered severe emotional distress to her damage in an amount to be proved at trial.

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18. Between the time of defendant's conversion of the above-mentioned property to his own use and the filing of this action, intervener has employed investigators and attorneys in pursuit of the converted property, all to intervener's further damage in an amount to be proved at time of trial.

19. The afore-mentioned acts of defendant were willful, wanton, malicious and oppressive, were undertaken with the intent to defraud and justify the awarding of exemplary and punitive damages in the amount of \$50,000.

II.

SECOND CAUSE OF ACTION

(Breach of Fiduciary Relationship)

20. Plaintiff repeats and repleads each and every allegation contained in paragraphs 1 through 14, above, and incorporates them as though fully set forth herein.

21. By reason of his solicitation and acceptance of the assignment on behalf of CSC as the custodian of the materials to be collected and maintained in the Archives Project, defendant Armstrong became a fiduciary to intervener and assumed duties required by law of confidentiality, loyalty, and trust regarding the materials under his custody and control. As a fiduciary to intervener, defendant Armstrong

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2 also assumed a legal duty to safeguard the property of inter-
3 vener and to engage in no act detrimental to intervener
4 concerning either the use or value of the materials within
5 his custody and control.

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7 22. By virtue of his position as a staff member of the
8 Church of Scientology defendant Armstrong assumed a fiduciary
9 relationship to intervener, which includes a duty to maintain
10 confidentiality concerning his work within the Church of
11 Scientology of California as it affects Intervener.

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13 23. Defendant Armstrong has on numerous occasions
14 breached his duty of confidentiality by disclosing to
15 unauthorized persons information regarding intervener and her
16 husband L. Ron Hubbard that he obtained in the course and
17 scope of his responsibility as the custodian of the Archives
18 Project. Intervener is without knowledge of the extent of
19 material and information that has been disclosed by defendant
20 Armstrong but alleges that the piecemeal dissemination of
21 information by him has been injurious to her reputation and
22 has caused and is causing a diminution in the value of the
23 personal possessions belonging to intervener and/or L. Ron
24 Hubbard in the Archives Project in an amount to be proved at
25 time of trial.

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24. On or about May 26, 27 or June 21, 1982, Plaintiff CSC demanded that Defendant Armstrong cease his unauthorized disclosure of confidential information but Defendant has failed and refused, and continues to fail and refuse, to discontinue his unauthorized disclosures.

25. Between the time of defendant's unauthorized disclosure of confidential information and the time of filing of this action, Intervener has been required to employ the services of attorneys in an attempt to terminate the unauthorized disclosures by defendant Armstrong, all to Plaintiff's further damage in an amount to be proved at time of trial.

26. The afore mentioned acts of defendant Armstrong were intentional, deliberate, willful, wanton, malicious, oppressive, and were committed with the intent to defraud intervener, and in reckless disregard of the rights of intervener. Intervener is therefore entitled to recover exemplary and punitive damages in the amount of \$50,000.00.

III

THIRD CAUSE OF ACTION

(Invasion of Privacy)

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27. Intervener repeats and repleads each and every allegation contained in paragraphs 1 through 14, above, and incorporates them as though fully set forth herein.

28. At all times herein mentioned, plaintiff Church of Scientology of California securely held the following items of personal property, namely:

a. Personal letters of L. Ron Hubbard and Mary Sue Hubbard;

b. Memoranda written by or to L. Ron Hubbard and Mary Sue Hubbard;

c. Documents written by, to, or concerning L. Ron Hubbard and Mary Sue Hubbard;

d. Personal memorabilia of L. Ron Hubbard and Mary Sue Hubbard.

e. Photographs belonging to L. Ron Hubbard and Mary Sue Hubbard;

f. Artifacts belonging to L. Ron Hubbard and Mary Sue Hubbard.

g. Personal and family financial records of L. Ron Hubbard and Mary Sue Hubbard.

h. Drafts, notes, essays, poems, books written by, or concerning L. Ron Hubbard and/or Mary Sue Hubbard;

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i. Tape recordings, video recordings, photograph records belonging to L. Ron Hubbard and/or Mary Sue Hubbard.

j. Additional items of personal property not yet determined.

29. During 1982, defendant intruded upon plaintiffs' seclusion, solitude and private affairs by gaining access to said materials, reading and/or listening to the contents thereof, and revealing these contents to third persons.

30. As a proximate result of defendant's intrusion on intervener's seclusion, solitude and private affairs, intervener has suffered severe emotional distress, humiliation, loss of reputation, all to intervener's damage in an amount to be proved at trial.

31. The afore-mentioned acts of defendant were willful, wanton, malicious and oppressive, were undertaken with the intent to defraud and justify the awarding of exemplary and punitive damages in the amount of \$50,000.

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FOURTH CAUSE OF ACTION

(Possession of Personal Property)

[Civil Code §§3379, 3380]

32. Intervener repeats and repleads each and every allegation contained in paragraphs 1 through 14, above, and incorporates them as though fully set forth herein.

33. Intervener is, and at all times herein mentioned was, the owner or holder of the personal property described as follows:

a. Personal letters of L. Ron Hubbard and Mary Sue Hubbard;

b. Memoranda written by or to L. Ron Hubbard and Mary Sue Hubbard;

c. Documents written by, to, or concerning L. Ron Hubbard and Mary Sue Hubbard.

d. Personal memorabilia belonging to L. Ron Hubbard and Mary Sue Hubbard.

e. Photographs belonging to L. Ron Hubbard and Mary Sue Hubbard.

f. Artifacts belonging to L. Ron Hubbard and Mary Sue Hubbard.

g. Personal and family financial records of L. Ron Hubbard and Mary Sue Hubbard.

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1 h. Drafts, notes, essays, poems, books written
2 by, or concerning L. Ron Hubbard and Mary Sue Hubbard.

3 i. Tape recordings, video recordings, photograph
4 records belonging to L. Ron Hubbard and/or Mary Sue Hubbard.

5 j. Additional items of personal property not yet
6 determined.

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8 34. Intervener is, and at all times herein mentioned
9 was, entitled to the immediate possession of the personal
10 property described above.

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12 35. The exact value of the personal property described
13 above is unknown at this time. Intervener will ask leave to
14 amend this complaint in intervention when such a value can be
15 determined.

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17 36. During 1982, defendant wrongfully and without the
18 consent of the plaintiff or intervener, took possession of
19 the personal property described above. Since that time
20 defendant has been in wrongful possession of the property in
21 violation of intervener's right to immediate possession.
22 Defendant has the power to deliver to intervener the personal
23 property described above.

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25 37. During, and as a proximate result of, defendant's
26 wrongful possession and detention of the personal property
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1 described above, intervener has suffered the loss of use and
2 enjoyment of her personal property. Therefore, plaintiff has
3 suffered damages according to proof.
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6 38. During, and as a further proximate result
7 defendant's wrongful possession and detention of the personal
8 property described above, plaintiff suffered severe emotional
9 distress to her damage in a sum according to proof.

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11 39. In taking, wrongfully possessing and detaining the
12 personal property described above, defendant acted willfully,
13 maliciously, and in wanton disregard to plaintiff's rights.
14 Therefore, plaintiff seeks exemplary and punitive damages
15 from defendant in the sum of \$50,000.00.

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17 V.

18 FIFTH CAUSE OF ACTION

19 (To Impress a Constructive Trust)

20 40. Intervener repeats and repleads each and every
21 allegation contained in paragraphs 1 through 14 above, and
22 incorporates them by reference as though fully set forth
23 herein.

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25 41. Defendants, and each of them, acting in concert,
26 intend to use the converted personal property of intervener
27 and her husband L. Ron Hubbard, for their own benefit and

1 profit. Because of the conversion of Intervener's property
2 and the breach of fiduciary duty by defendant Armstrong as
3 herein alleged, and because defendants, and each of them, by
4 this conduct have been and will be unjustly enriched at
5 Intervener's expense, a constructive trust should be
6 impressed upon the property of intervener which is now being
7 held by defendants, and defendant Armstrong should be named
8 as trustee on behalf of intervener. By the terms of said
9 constructive trust, defendants, and each of them, should be
10 required to keep safe and maintain the said property of
11 intervener and any profits that defendants, and each of them,
12 acquire therefrom, for the benefit of intervener, and to
13 refrain from an and all disclosures of confidential
14 information that has been obtained by defendants, and each of
15 them, concerning intervener.
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VI.

SIXTH CAUSE OF ACTION

REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

(C.C.P. §1060)

22 42. Plaintiff repeats and repleads each and every
23 allegation contained in paragraphs 1 through 14 above, and
24 incorporates them as if fully set forth herein.

25
26 43. During 1982, defendant Armstrong wrongfully and
27 unlawfully took possession of the personal property of inter-

2 vener, and the personal property of L. Ron Hubbard as
3 described in paragraph No. 28, which was, at the time, in the
4 custody of the Church of Scientology of California.

5
6 44. On or about May 26 and June 21, 1982, plaintiff
7 Church of Scientology of California demanded that defendant
8 return the personal property referred to above. Defendant,
9 has refused and still refuses to refrain from his wrongful
10 possession of the personal property to which intervener is
11 entitled as owner and/or holder.

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13 45. Intervener desires a judicial determination of her
14 rights and duties and a written declaration as to the rights,
15 duties and obligations of defendant in regard to the
16 dissemination of information which he obtained from the
17 above-mentioned personal documents, and an order releasing
18 the material to intervener in her capacity as owner/holder.

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20 46. Defendant's wrongful conduct, unless and until
21 enjoined and restrained by orders of this court, will cause
22 great and irreparable injury to intervener in that defendant
23 Armstrong has and will continue to disseminate highly
24 personal and confidential information regarding intervener
25 and her husband L. Ron Hubbard which defendant has obtained
26 from the items described above.

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2 47. Intervener has no adequate remedy at law for the
3 injuries currently being suffered in that it will be
4 impossible for intervener to determine the precise amount of
5 damage which she will suffer if defendant's conduct is not
6 restrained.

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8 48. Unless preliminarily and permanently enjoined by
9 this court, defendant will continue his unauthorized dissemi-
10 nation of confidential information and there exists no
11 adequate remedy at law. The information is unique in
12 character and damages, as a matter of law, cannot adequately
13 compensate plaintiff for the unauthorized dissemination of
14 said information.

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16 VII.

17 PRAYER FOR RELIEF

18 Intervener joins with Plaintiff in demanding the relief
19 sought by its complaints, and wherefore, Intervener prays for
20 judgment as follows:

- 21 1. For the first cause of action, general and special
22 damages according to proof at time of trial.
- 23 2. For the first cause of action, an order of the
24 Court mandating return of intervener's property.
- 25 3. For the second cause of action, general and special
26 damages according to proof at time of trial.

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4. For the second cause of action, a preliminary and permanent injunction prohibiting Defendant from disseminating confidential information gained by reason of defendant's position of trust to any person or entity other than those expressly authorized by intervener, and for the return of the property to intervener.

5. For the third cause of action, general and special damages according to proof at time of trial.

6. For the third cause of action a preliminary and permanent injunction prohibiting defendant from further access to the personal property of intervener.

7. For the fourth cause of action, the return of the personal property of which intervener is the owner and/or holder.

8. For the first, second, third and fourth causes of action, punitive and exemplary damages in the amount of \$50,000.00 per cause of action.

9. For the impression of a constructive trust upon any property of intervener now being held by defendants, and each of them.

10. For a declaration that the materials designated in this complaint in intervention are the property of Mary Sue Hubbard and L. Ron Hubbard and that said materials shall be disseminated, copied and made available to members of the public only with the prior express authorization of Mary Sue Hubbard.

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11. For each cause of action, reasonable attorney's fees and costs and such other and further relief as the court may deem just and proper.

DATED: _____

Law Offices of
Barrett S. Litt
617 S. Olive, Ste. 1000
Los Angeles, CA 90014

By: _____
BARRETT S. LITT

Attorney for Intervener